

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:06CR376
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
CHARLES COGMAN,)	
)	
Defendant.)	

The Court has received the Presentence Investigation Report ("PSR"), the government's adoption of the PSR (Filing No. 118),¹ and the joint sentencing stipulation (Filing No. 117). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

At sentencing, the Court will discuss the parties' stipulation (Filing No. 117) in the context of the advisory sentencing guideline scheme. Absent unusual circumstances, the Court intends to approve the stipulation.

IT IS ORDERED:

1. The Court's tentative finding is that, absent unusual circumstances, the joint stipulation (Filing No. 117) is approved;
2. Otherwise the Court's tentative findings are that the Presentence Investigation Report is correct in all respects;

¹Although the government adopts the PSR, the government asks that the Defendant be sentenced pursuant to the parties' stipulation. (Filing No. 118.)

3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 29th day of May, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge